

## Chapter 961 SIDEWALK CARTS AND CAFES\*

**\*Cross references:** Streets, sidewalks and public ways, ch. 431.

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**ARTICLE I. OUTDOOR RETAIL SALES FROM CARTS; GENERAL PROVISIONS****Sec. 961-101. Purpose.**

The council, pursuant to its authority to regulate the conduct of business upon the public ways of the city, to promote the safety and welfare of its residents and visitors, and to collect fees to defray the costs of such regulation, determines it necessary and proper to license the businesses of retail sales of food, frozen food, flowers and other merchandise from carts and stands upon the public ways and to limit and franchise such sales in certain areas of the city. This chapter is adopted to accomplish such goals.

(G.O. 215, 1995, § 1)

**Sec. 961-102. Licenses required.**

- (a) It shall be unlawful to sell food, frozen food, flowers or other merchandise from a cart on city property without a license issued pursuant to this chapter.
- (b) A separate license shall be required for each cart.
- (c) It is not necessary to be licensed as a transient merchant pursuant to this Code in order to obtain a license for a vendor's cart or to operate under a vendor's cart license.

(G.O. 215, 1995, § 1)

**Sec. 961-103. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Beverage* means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

*Cart* means both:

- (1) A wheeled device, not propelled by a motor, no larger than six (6) feet in length, three (3) feet in width and five (5) feet in height (exclusive of canopy), constructed so an operator may not stand on or in the device; however, the dimensional limitations provided in this definition shall not apply to carts located in a commercial transaction zone; and
- (2) In a commercial transaction zone only, a stand from which food, frozen food, flowers or other merchandise is sold or offered for sale by a person.

*Central city* means the geographic area bounded on the north by 16th Street, on the east by East Street and Central Avenue, on the south by South Street, and on the west (going from south to north) by West Street, West Washington Street, White River, and Fall Creek.

*City property* means all outdoor areas which are owned, or leased as lessee, by the city or one (1) of the city's departments, or upon which the city or one (1) of its departments has an easement or right-of-way including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the city or by one (1) of its departments.

*Commercial transaction zone* means one (1) of the geographic areas designated under Article IV of this chapter.

*Flowers* means any fresh-cut flower or live plant.

*Food* means any raw, cooked or processed edible substance or beverage intended for use in whole or in part for human consumption, other than frozen food.

*Franchise zone* means one (1) of the geographic areas designated under Article III of this chapter.

*Frozen food* means any food preserved and sold in a frozen solid state.

*Merchandise* means:

- (1) All wares and commercial products or services which merchants routinely buy, sell and offer, except food, frozen food and flowers; and
- (2) Which in the case of products are of a size that can readily be displayed or contained in or upon a cart.

*Nonprotected franchise zone* means a franchise zone which was not protected by a licensee at the last annual drawing under section 961-303.

*Own or have an interest in* means directly or indirectly to control or have any influence over the management or operation of more than twenty (20) percent of the legal title or beneficial interest in the profits of a cart licensed under this chapter.

*Protected franchise zone* means a franchise zone which a licensee protected at the last annual drawing under section 961-303.

*Special event* an event listed in section 961-501(a) of this chapter, or a community outdoor gathering which is held on or makes use of city property, and which is designated and authorized pursuant to Article V of this chapter.

*Special event sponsor* means an organization that is responsible for and undertakes the planning, organization or execution of a special event.

*Vendor's cart license* means a franchise zone license, a commercial transaction zone license, or a special event license issued under this chapter.

(G.O. 215, 1995, § 1; G.O. 1, 2005, § 2)

**Cross references:** Definitions generally, ch. 102.

**ARTICLE II. VENDOR'S CART LICENSES****Sec. 961-201. Vendor's cart licenses authorized.**

(a) The controller is authorized to issue three (3) types of vendor's cart licenses pursuant to this chapter as follows:

(1) Franchise zone licenses for retail sales of food, frozen food, flowers and merchandise from carts not located in commercial transaction zones;

(2) Commercial transaction zone licenses for retail sales of food, frozen foods, flowers and merchandise from carts located in commercial transaction zones; and

(3) Special event licenses for retail sales of food, frozen foods, flowers and merchandise from carts located at special events.

(b) Each vendor's cart license shall be issued to a specific licensee for a specifically identifiable cart.

(c) The controller shall designate each cart as either a food cart, a frozen food cart, a flower cart, or a merchandise cart.

(d) The controller shall report in writing to the council by the fifteenth day of January of each year the number and type of licensed carts in the city on the last day of December of the preceding year.

(G.O. 215, 1995, § 1)

**Sec. 961-202. Application for license.**

(a) An application for a license provided in this chapter shall be verified by the applicant under penalties of perjury, and shall contain such information as the controller may prescribe.

(b) An application for a franchise zone license or a commercial transaction zone license shall include the following information:

(1) The name under which the business is to be conducted;

(2) The name and address of the applicant and, if a firm, the name and address of each partner, or if a corporation, the names and addresses of its resident agents and officers, and of all persons who own or have an interest in the cart as defined in section 961-103; and

(3) A physical description of the cart for which the license is desired.

(c) An application for a special event license shall include the following information:

(1) The name under which the business is to be conducted, and the name, address and telephone number of the person making the application; and

(2) A physical description of the cart for which the license is desired.

(G.O. 215, 1995, § 1)

**Sec. 961-203. Prerequisites to issuance of license.**

The controller may consider the application only if applicable permits required by the Health and Hospital Corporation of Marion County and other regulatory agencies have been secured and are in force.

(G.O. 215, 1995, § 1)

**Sec. 961-204. Application fee; refund on denial.**

(a) Each application for a license pursuant to this article shall be accompanied by an application fee in an amount as follows:

(1) *For a franchise zone license;* one hundred fifty dollars (\$150.00); and

(2) *For a commercial transaction zone license;* one hundred dollars (\$100.00).

(b) In the event the license is granted, the application fee shall be retained by the controller as the first annual fee. In the event of a denial of the license, fifty dollars (\$50.00) of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application, and the remainder, if any, shall be refunded to the applicant.

(G.O. 215, 1995, § 1; G.O. 36, 2006, § 7)

**Sec. 961-205. Renewal fee.**

(a) This section shall not apply to special event licenses, which are not renewable.

(b) Any qualified licensee not in violation of this chapter may annually renew the license for an additional year upon payment of an annual fee in an amount as follows:

(1) For a franchise zone license, one hundred dollars (\$100.00); and

(2) For a commercial transaction zone license, fifty dollars (\$50.00).

(G.O. 215, 1995, § 1)

**Sec. 961-206. License period.**

A franchise zone license and a commercial transaction zone license shall be for a term ending December 31 of the calendar year in which it is issued; a special event license shall not exceed the term of the special event for which it is issued.

(G.O. 215, 1995, § 1)

**Sec. 961-207. Effect of cessation of business.**

No deductions shall be allowed from the fee for a license issued pursuant to this article for any part of the term of which the licensee does not engage in such business.

(G.O. 215, 1995, § 1)

**Sec. 961-208. Issuance and display of insignia.**

(a) This section shall not apply to special event licenses.

(b) At the time the license is issued, the controller shall furnish an insignia for each cart consisting of a durable sign, not less than two (2) inches wide and three (3) inches long, upon which shall be inscribed "\_\_\_\_\_ Cart Vendor's License, Indianapolis, Indiana, \_\_\_\_\_," filling in the type of license, and the number of the license; the sign shall also identify the franchise zone or

commercial transaction zone to which the license is allocated, and the year during which the license shall be in force. Such sign shall be securely fastened in plain view on the outside of the cart. This sign may also indicate any limitations imposed by the controller on the operation of this cart.

(G.O. 215, 1995, § 1)

#### **Sec. 961-209. Transferability.**

- (a) A license issued pursuant to this chapter shall not be transferable to another licensee.
- (b) A license may be permanently transferred to another cart with the permission of the controller and payment of a transfer fee of twenty-five dollars (\$25.00).
- (c) A license may be temporarily transferred to another cart for a total of not more than fourteen (14) days in any six-month period, if the licensee gives the controller written notice of the transfer; however, the time limitation provided in this section shall not apply to temporary transfers which are necessary because of breakdowns or other losses of a cart's use which are not attributable to the licensee.

(G.O. 215, 1995, § 1)

#### **Sec. 961-210. Insurance and indemnity.**

(a) Each vendor's cart licensee shall provide a certificate of public liability insurance to the controller upon a form approved by the corporation counsel, insuring the licensee, and naming the City of Indianapolis, as co-insured, against the following liabilities and in the following amounts relative to such retail activity:

- (1) Personal injury, \$100,000.00/\$300,000.00; and
- (2) Property damage, \$25,000.00/\$50,000.00.

(b) The licensee shall provide a document, approved by the corporation counsel, in which the licensee agrees to indemnify and hold harmless the city for losses or expenses arising out of the operation of carts.

(G.O. 215, 1995, § 1)

#### **Sec. 961-211. Restrictions on operation.**

Each vendor's cart licensee, his agents and employees, shall comply with the following restrictions on cart operation:

- (a) *Limitations on selling* include the following:
  - (1) Only food may be carried on or sold from a licensed food cart, only flowers from a licensed flower cart, only frozen food from a licensed frozen food cart, and only merchandise from a licensed merchandise cart;
  - (2) Such retail sales shall not be accomplished by crying out or hawking;
  - (3) A device may not be used which would amplify sound, and in any area not in a commercial transaction zone, attention may not be drawn to such retail sales by any aural means or a light-producing device;
  - (4) Such retail sales may not be made to any person in or on any motorized vehicle; and

(5) Beverages, dispensed in disposable cans, shall have any separable opening tabs removed at the time the cans are sold, unless otherwise requested by the purchaser.

(b) *Prohibited locations* include the following:

(1) No cart may be located in any public park or plaza, without written authorization from the governmental agency with general jurisdiction or control over such park or plaza;

(2) The operator of a cart may not dispense food on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail food establishment;

(3) No cart may be located nor any such retail sales be made in that part of a right-of-way utilized for motor vehicle traffic (commonly referred to as a street), a street median strip or an alleyway;

(4) No cart may be placed nor may such retail sales be made within twenty (20) feet of any posted bus stop, taxi stand, crosswalk, driveway or alleyway, within twenty (20) feet of the point at which the right-of-way lines of two (2) or more streets intersect or within six (6) feet of any building entrance, display window or walk-up window;

(5) No cart may be parked or located nor may food, frozen food, flowers or merchandise be dispensed in a manner which would significantly impede or prevent the use of any city property, or which would endanger the safety or property of the public;

(6) A cart with a franchise zone license shall be operated only within the franchise zone allocated under section 961-303, or in any area not designated a franchise zone or commercial transaction zone; a cart with a commercial transaction zone license shall be operated only within the designated commercial transaction zone; and a cart with a special event license shall be operated only within the geographic boundaries of the special event; and

(7) The location of each merchandise vendor's cart not in a commercial transaction zone shall be approved by the controller.

(c) *Operational requirements* include the following:

(1) The licensee, his agents and employees shall be required to obey the commands of law enforcement officers or firemen with respect to activity carried out on city property, including, where possible, the removal of the cart and cessation of such retail sales;

(2) Wheeled carts not located in a commercial transaction zone must be removed from city property when such retail sales are not being conducted;

(3) No wheeled cart may be permanently or temporarily affixed to any fixed object, and no stand may be permanently or temporarily affixed to any object above ground level, including but not limited to buildings, trees, signs, telephone poles, streetlight poles, traffic signal poles or fire hydrants;

(4) Carts may be placed and any such retail sales may be made only on sidewalks which provide at least fourteen (14) feet of width from the curb line to the property line; provided that, a person licensed under this article may petition the controller to allow operation of a cart on a specified sidewalk having a width of less than fourteen (14) feet; such petition may be approved by the controller only after the department of public works and the department of metropolitan development have approved the

petition;

(5) Each cart is to be operated by no more than three (3) persons, and shall not be left unattended;

(6) No cart may be used to advertise any product or service which is not authorized to be sold from that cart; and

(7) Carts not located in a commercial transaction zone may not make use of any public or private electrical outlet while in operation or while located on city property.

(d) *General requirements* include the following:

(1) Efforts shall be made by the licensee to protect city property against littering; each cart must have an adequate trash receptacle which is emptied sufficiently often to allow disposal of litter and waste by the public at any time; the trash receptacle on the cart shall not be emptied into trash receptacles owned by the city; and liquid from a cart may not be discharged on or in a city sewer or drain or elsewhere on city property, nor on private property without the express written consent of the owner thereof;

(2) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created;

(3) Each cart shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred;

(4) Foods which present a substantial likelihood that liquid matter, particles or part of the food will drop to the street or sidewalk during the process of carrying or eating the food shall be sold in proper containers; and

(5) All carts licensed to sell food must place a nonporous material on the sidewalk beneath their carts in such a manner as to prevent spillage from the cart, stains or other damage to the area around the carts. Acceptable materials include artificial turf, grass mats, or indoor/outdoor carpeting.

(G.O. 215, 1995, § 1; G.O. 15, 2001, § 145)

### **Sec. 961-212. Restrictions on operation imposed by regulation.**

The controller may by regulation impose appropriate conditions on the operation of carts by a licensee, his agent or employee in order to further the purposes of this chapter, as follows:

(1) The controller may by regulation limit the locations at which a cart may be operated or times during which a cart may be operated;

(2) The controller may by regulation designate the kind of food, frozen food, flowers and merchandise which may be sold; the limits on the kind of retail sales which may be carried out established by the controller for one (1) license may be different from those established for other licenses; the controller may make changes in the limits on the kind of retail sales which may be carried out at the end of the license term; and

(3) The controller may by regulation require compliance with other reasonable conditions.

(G.O. 215, 1995, § 1)

### **Sec. 961-213. Inspection.**

Each licensee and employee of a licensee shall comply at all times with all statutes, ordinances and



regulations relating to the operation of the carts and shall allow an inspection by persons assigned to such duty by the health and hospital corporation, a department of the state or the controller. If, upon inspection, any food, frozen food, flowers or merchandise shall be found unwholesome, stale, diseased, spoiled or otherwise unfit for its intended purpose, the products shall forthwith be condemned and removed by the licensee from the cart or other place where found and destroyed; such products shall be neither sold nor given away.

(G.O. 215, 1995, § 1)

**Sec. 961-214. Identification cards.**

(a) This section shall not apply to special event licenses.

(b) Each licensee shall file with the controller the name and address together with two (2) photographs, two (2) inches by two (2) inches, of each employee who will be operating a cart and shall obtain from the controller an identification card for each employee. The identification card shall show the name and address of the employee, the employee's photograph and the name and address of the holder of the cart license. The identification card shall be carried by the employee during all times the employee operates a cart and shall be exhibited at any time on demand.

(G.O. 215, 1995, § 1)

**Sec. 961-215. Compliance with law.**

As to each licensee, his agent or employee, under this chapter and each person so engaged in or operating any of the kinds of business covered by this chapter, each person shall comply with and obey all provisions of this Code and zoning ordinances which are at any time applicable thereto, and any other ordinances and all statutes relating to such business and to the conduct thereof.

(G.O. 215, 1995, § 1)

**ARTICLE III. FRANCHISE ZONES; ALLOCATION OF LICENSES****Sec. 961-301. Franchise zones designated.**

(a) Before July 15 of any year (and within sixty (60) days after other areas may be designated) the controller shall divide the central city into not less than fifteen (15) nor more than fifty (50) distinct franchise zones and certify to the clerk of the council a map showing the boundaries of each franchise zone. The franchise zones shall not include any geographic areas within commercial transaction zones designated under Article IV of this chapter.

(b) The purposes of establishing such franchise zones are to allow the operation of carts for benefit to the residents of the city as a whole by promoting pedestrian traffic in the downtown, making the downtown visually more attractive and making a product conveniently available to members of the public without creating disadvantages for residents of the city by creating a health or safety hazard or unreasonably impeding pedestrian flow.

(c) The total number of franchise zones which are established hereunder are based on consideration of the following:

- (1) The effect on pedestrian flow and safety in public areas and sidewalks;
- (2) The effect on promoting pedestrian traffic and making the downtown visually more attractive;
- (3) The effect upon the business of existing licensees and other retail sales of food, frozen food, flowers and merchandise; and
- (4) Whether the public is being adequately served by existing licensees and other retail sale of food, frozen food, flowers or merchandise.

(d) On or before August 15 of the year franchise zones are certified by the controller, the council may amend such zones. Such franchise zones as amended, or as certified if not so amended, shall be in effect until the next certifications hereunder.

(G.O. 215, 1995, § 1)

**Sec. 961-302. Designation of additional franchise zones.**

(a) The controller at any time may designate additional franchise zones located outside the central city by certifying to the clerk of the council a map showing the boundaries of the additional franchise zones.

(b) Unless otherwise provided in this section, such additional franchise zones shall be subject to the same procedures, conditions and restrictions established for franchise zones under section 961-301 and section 961-303 of this article.

(c) A franchise zone licensee may request that the controller designate an additional franchise zone outside the central city, and allocate the licensee's license to that zone.

(d) If the controller designates the zone pursuant to the request and if the licensee is otherwise eligible and qualified under this chapter, then the controller shall allocate the licensee's license to the franchise zone for the balance of that calendar year and the entirety of the next two (2) subsequent calendar years. At the end of the second subsequent calendar year, the zone shall become a nonprotected franchise zone, and a license or licenses shall be allocated to it in the same manner as provided in section 961-303.

- (e) The boundaries of a franchise zone designated pursuant to a request under this section shall not be less than two hundred fifty (250) feet in each direction from the site of the licensee's cart.

(G.O. 215, 1995, § 1)

**Sec. 961-303. Allocation of franchise zone licenses among zones.**

(a) On or before August 1 of each year, a licensee in a nonprotected franchise zone may notify the controller in writing that the licensee elects to remain in such zone for the next calendar year. If the boundaries of such zone have not been changed substantially during the same calendar year under section 961-301 of the Code, and such licensee is otherwise qualified for renewal of that license, the controller shall allocate such franchise zone license to such zone as a protected franchise zone.

(b) A franchise zone can only be protected for one (1) consecutive annual drawing.

(c) Between September 1 and September 30 of each year, the controller shall conduct a public drawing of all franchise zone licenses, whether designated as food carts, frozen food carts, flower carts or merchandise carts, to allocate them among all nonprotected franchise zones for a term beginning January 1 and ending December 31 of the following year. Within a single franchise zone, the controller may not allocate more than two (2) food cart licenses, one (1) frozen food cart license, one (1) flower cart license, and one (1) merchandise cart license.

(d) At least twenty (20) days prior to the public drawing, the controller shall give notice of such drawing by mail to each franchise zone licensee and by publication as provided in IC 5-3-1-2(i). Such notice shall state the time, date and place of the drawing, a list of all franchise zones available for selection at such drawing, and a general description of the method by which the drawing shall be conducted.

(e) Each franchise zone licensee, whose license is not assigned to a protected franchise zone, may participate in the drawing by paying a participation fee of twenty-five dollars (\$25.00) per license before September 1 of the year of a drawing. Such fee shall be nonrefundable. Participating licensees and nonprotected franchise zones shall be drawn at random. Successful participants may, within forty-eight (48) hours after the drawing, trade franchise zones. The remaining licensees shall be drawn and shall be eligible in that order for any franchise zones becoming available before the next drawing, except a zone created pursuant to a request by a licensee under section 961-302. It shall be unlawful for any participant to offer or accept anything of value as consideration for trading franchise zones.

(G.O. 215, 1995, § 1; G.O. 79, 1997, § 1)

**Sec. 961-304. Restriction on licensee's number of carts.**

(a) Within the geographic areas of all franchise zones designated pursuant to this article, no person may own or have an interest in more than three (3) food carts, more than three (3) frozen food carts, more than three (3) flower carts, or more than three (3) merchandise carts.

(b) A violation of this section shall be grounds for the denial of the application of any applicant and the immediate revocation of the license of any licensee.

(G.O. 215, 1995, § 1)

**Sec. 961-305. Restrictions on operations in franchise zones.**

(a) *Separation of carts.* Within a single franchise zone, and at any place not in a commercial transaction zone, a cart may not be placed for operation within one hundred (100) feet of another

cart of the same designation, or within forty (40) feet of another cart of a different designation. Where two (2) or more carts are so located, the cart which has been most recently located in violation of this provision shall be required to move so as not to be in violation.

(b) *Prohibited locations.* At any place not in a commercial transaction zone, a cart may not be placed for operation at a location directly in front of the primary entrance to a retail business, office building or church. The area in which a cart may not be placed is defined by the doorway line, lines running on either side of the door to the nearest curb, and the curb lines.

(c) *City Market Square.* During the hours from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays when the City of Indianapolis offices or Marion County offices are closed, carts may not be located or operated within an area bounded on the north by the north right-of-way line of Ohio Street, on the south by the south right-of-way line of Market Street, on the west by the west right-of-way line of Delaware Street, and on the east by the east right-of-way line of Alabama Street.

(G.O. 215, 1995, § 1)

**ARTICLE IV. COMMERCIAL TRANSACTION ZONES; LICENSES****Sec. 961-401. Establishment of the Circle Centre Zone.**

A commercial transaction zone to be known as the "Circle Centre Zone" is hereby established. The Circle Centre Zone shall be comprised of all city property which lies within the following area:

- (1) *(On the north)* beginning at the intersection of the west right-of-way line of Illinois Street and the center line of Market Street; thence east along the center line of Market Street to the inside right-of-way line of Monument Circle on the west side of the monument; thence curving in a southeasterly direction along the inside right-of-way line of Monument Circle to a point where it intersects with the center line of Meridian Street on the south side of the monument; thence in a straight line southeast to the intersection of the outside right-of-way line of Monument Circle and the east right-of-way line of Meridian Street; thence south along the east right-of-way line of Meridian Street to the north right-of-way line of Washington Street; thence east along the north right-of-way line of Washington Street a distance of approximately two hundred ten (210) feet to a point mid-way between Meridian Street and Pennsylvania Street;
- (2) *(On the east)* thence south in a straight line to the north right-of-way line of the Consolidated Rail Corporation (Conrail) which runs through Union Station;
- (3) *(On the south)* thence west along the north right-of-way line of the Consolidated Rail Corporation to the center line of Capitol Avenue;
- (4) *(On the west)* thence north along the center line of Capitol Avenue to the south right-of-way line of Chesapeake Street; thence east along the south right-of-way line of Chesapeake Street a distance of approximately two hundred fifty-six (256) feet to a point mid-way between Capitol Avenue and Illinois Street, thence north in a straight line a distance of approximately eight hundred ninety (890) feet to the north right-of-way line of Washington Street; thence east along the north right-of-way line of Washington Street to the west right-of-way line of Illinois Street; thence north along the west right-of-way line of Illinois Street to the center line of Market Street.

(G.O. 215, 1995, § 1)

**Sec. 961-402. Establishment of the Canal Walk Zone.**

A commercial transaction zone to be known as the "Canal Walk Zone" is hereby established. The Canal Walk Zone shall be comprised of all city property which lies within the following boundaries:

- (1) Two hundred fifty (250) feet on either side of the canal, measured from the center line; and
- (2) From the south right-of-way line of Eleventh Street on the north to the White River on the south.

(G.O. 215, 1995, § 1)

**Sec. 961-403. Establishment of additional commercial transaction zones.**

In addition to the Circle Centre Zone and the Canal Walk Zone, the controller may establish additional commercial transaction zones, the boundaries of which shall be subject to the approval of the

council.

(G.O. 215, 1995, § 1)

**Sec. 961-404. Commercial transaction zone licenses; management.**

(a) The controller shall issue commercial transaction zone licenses, subject to the procedures, conditions and restrictions provided for vendor's cart licenses under Article II of this chapter.

(b) In addition to the license required by this chapter, the controller may condition the licensee's activities on the grant of a license with respect to the real property upon which the licensee's cart would be located.

(c) The controller may enter into a professional services agreement for the discharge of the duties of the controller with respect to commercial transaction zone licenses. In any such agreement, the controller shall retain authority to oversee the activities of licensees, including the responsibility for enforcement of this chapter.

(G.O. 215, 1995, § 1)

**Sec. 961-405. Restriction on licensee's number of carts.**

No person may own or have an interest in more than one (1) cart in a commercial transaction zone, or twenty (20) percent of the carts in a commercial transaction zone, whichever is greater.

(G.O. 215, 1995, § 1)

**ARTICLE V. SPECIAL EVENTS; LICENSES****Sec. 961-501. Designation of special events.**

(a) Each year, the controller shall designate and authorize the following events as special events under this article:

- (1) The 500-Mile Race Festival;
  - (2) Circlefest;
  - (3) The Indiana Black Expo concert;
  - (4) The Mid-Summer Fest;
  - (5) The St. Patrick's Day Parade;
  - (6) The Circle City Classic Parade; and
  - (7) The Celebration of Lights.
- (8) National Collegiate Athletic Association championship contests.

(b) With respect to each of the special events designated in this section, the controller shall exercise the duties and authority provided for the controller in this article.

(c) The controller may designate and authorize special events other than those listed in this section under the authority and procedures provided in this article.

(G.O. 215, 1995, § 1; G.O. 1, 2005, § 3)

**Sec. 961-502. Authorization of special events; conditions.**

(a) Prior to its occurrence, a special event must be designated and authorized by the controller. To determine whether a special event should be authorized, the controller shall consult with city officials responsible for traffic control, public safety, and right-of-way cleanup and maintenance, and further may request or receive recommendations from any special event sponsor. The controller may specify reasonable conditions to the approval of a special event.

(b) The authorization shall be issued in writing and shall prescribe the geographic boundaries, conditions, and duration of the special event.

(G.O. 215, 1995, § 1)

**Sec. 961-503. Special event licenses; fee.**

(a) With the assistance and recommendation of the special event sponsor, the controller is authorized to issue special event licenses, and may:

- (1) Designate a specific location for each licensee under this article to engage in licensed activities pursuant to this section; and
- (2) Approve a list of the food, frozen food, flowers and merchandise which licensees under this article are authorized to sell.

(b) The fee for a special event license shall be twenty-five dollars (\$25.00); however, if

authorization of the special event under section 961-502 of the Code is conditioned upon the Indianapolis Fire Department's apparatus or personnel being present at the special event, then the fee for a special event license shall be increased by an additional one hundred dollars (\$100.00), which additional amount shall be deposited in the fire service district fund of the city as miscellaneous revenues.

(c) Notwithstanding any other provision of this Code, licensees under this article shall be permitted to engage in licensed activities upon city property within the geographic boundaries during the term of the special event, subject to any applicable conditions or restrictions imposed under this article or sections 961-211 and 961-212.

(G.O. 215, 1995, § 1; G.O. 87, 2004, § 17; G.O. 36, 2006, § 6)

#### **Sec. 961-504. Activities of vendor's cart licensees during special events.**

(a) Notwithstanding any other provision of this Code, a franchise zone licensee or commercial transaction zone licensee whose zone is at least in part included within the geographic boundaries of a special event, and who desires to engage in licensed activities during the special event, may do so with the written approval of the controller, in consultation with the special event sponsor.

(b) Such licensee:

(1) Shall not be required to obtain a special event license in addition to the franchise zone license or commercial transaction zone license; and

(2) May engage in licensed activities during the term and within the geographic boundaries of the special event, subject to any conditions or restrictions imposed by the controller.

(c) A vendor cart licensee who has not been issued a special event license and who has not received written approval of the controller as provided in this section, may not engage in activities under the vendor cart license within the geographic boundaries or during the term of a special event.

(G.O. 215, 1995, § 1)

#### **Sec. 961-505. Display of license and prices; violations.**

(a) Prior to the commencement of the special event, the controller shall issue special event licenses to licensees.

(b) Throughout the duration of the special event, each licensee shall display the license on the cart in public view as a means of identification, and post a list of the licensee's prices.

(c) It shall be unlawful for any licensee to fail to display the special event license, or to charge prices in excess of the posted prices, as required by this section. Each day a violation of this section continues shall constitute a separate offense, and shall be punishable as provided by section 103-3 of this Code.

(G.O. 215, 1995, § 1)



**ARTICLE VI. REVOCATION AND ENFORCEMENT****Sec. 961-601. Revocation of license for nonuse.**

- (a) This section shall only apply to franchise zone licenses.
- (b) The controller may, following a hearing, revoke any franchise zone license if that cart has not been used for retail sales for the minimum number of days indicated at specified dates, as follows:
  - (1) Twenty (20) days by May 1;
  - (2) Fifty (50) days by July 1; and
  - (3) Eighty (80) days by September 1.

(G.O. 215, 1995, § 1)

**Sec. 961-602. Revocation of license for violation of requirements.**

The controller may, after a hearing, revoke a license for a cart or, if appropriate, revoke all of the licenses for carts held by a single licensee, if it is found:

- (1) The application contained a material misstatement;
- (2) The licensee, his agent or employee is not currently complying with sections 961-102, 961-211 or 961-305;
- (3) The licensee, his agent or employee has been found to have violated a health code or zoning requirement while operating a cart;
- (4) The licensee, his agent or employee is in significant violation of any section of, or any regulation promulgated under, this chapter; or
- (5) The licensee, his agent or employee has been found to be in violation of section 17-6 of the Code.

(G.O. 215, 1995, § 1)

**Sec. 961-603. Penalty for violations.**

- (a) Any violation of any provision of this chapter shall be subject to the general penalty for violating this Code as contained in section 103-3. Any license issued pursuant to this chapter may be suspended or revoked by the controller as provided by this article.
- (b) Each day a violation of this chapter continues shall constitute a separate offense.
- (c) Any three (3) judgments of violations of this chapter, or of regulations promulgated by the controller under this chapter, within any twelve-month period of time shall be an automatic cause for license revocation of that vendor's cart license for the balance of the current license period with no repayment of licensing fees.

(G.O. 215, 1995, § 1)

**Sec. 961-604. Appeals to license review board.**

A decision of the controller made under sections 961-204, 961-304, 961-601 or 961-602 is appealable to the license review board pursuant to section 17-68 of the Code. Other decisions made by the controller under this chapter are not appealable to the license review board.

(G.O. 215, 1995, § 1)